

MEMORANDUM

Date: August 12, 2011
To: Transfer 77459 File – Petersen Ranch Trust
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer corrects errors in the legal description of the place of use and one point of diversion (BHC-2) of right 72-4077, currently authorized for the diversion of 4.5 cfs from Bayhorse Creek for domestic use and the irrigation of 40.5 acres from six points of diversion. The changes are on paper only; no actual physical changes are taking place. The decreed pou incorrectly described irrigated land on the other side of the Salmon River and did not completely describe the place of use where irrigation actually occurred. The diversion system is an existing one and the change to BHC-2 is also a correction. The applicant is currently participating in a series of conservation projects on Bayhorse Creek and the place of use correction is necessary prior to installation of irrigation improvements designed by NRCS. (Application for permit 72-16873 represents another component of the conservation plan.) Federal and State Agencies (including IDWR's Water Transaction Program) are providing funding for the plan. Applicant is in the process of upgrading the system and will install or replace fish screens, lockable controlling works and headgates as required. BHC-4 diversion is on BLM ground and the other 5 diversions are on the applicant's land. Location of the proposed place of use is approximately 8 miles south of Challis just off of HWY 93 near the convergence of Bayhorse Creek and the Salmon River. According to the guidance memo dated March 19, 2009, no advertising should be needed for this transfer.

- **Authority to File:**
The application was signed by Gary Petersen of Petersen Ranch Trust and submitted by Roxanne Brown of SPF Engineering LLC. Application indicated there is no lien holder on this property.
- **Water Right Validity:**
Right 72-4077 was decreed in the SRBA on 3/19/2001. Recent aerial photography indicates the lands have been irrigated so forfeiture should not be an issue.
- **Injury to Other Water Rights:**
No injury anticipated, just a correction of the legal description of the pou and one of the pods.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use of irrigation is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.